

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of ) Application No. 911-029.03  
the Nebraska Telecommunications )  
Infrastructure and Public Safety )  
Department of the Nebraska )  
Public Service Commission, )  
Complainant, ) ORDER TO DISMISS  
v. )  
Viaero Wireless )  
Respondent. ) Dated: September 5, 2007

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

By Petition dated June 19, 2007, Jeffrey L. Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) (hereinafter "Complainant") of the Nebraska Public Service Commission (Commission) filed a Complaint against Viaero Wireless (hereinafter "Respondent") alleging that Respondent failed to establish a schedule for testing prior to activating wireless enhanced 911 service in relation to a cell tower testing conducted in Elwood and Bertrand, Nebraska.

A copy of the Complaint was mailed to the Respondent, by certified mail on July 20, 2007.

The Complainant and Respondent have since agreed to be bound by the terms of a stipulation filed under this docket, including the payment by Respondent of an administrative fine and an administrative fee consistent with Neb. Rev. Stat. § 75-156 and § 86-459(5) in the amount of one thousand dollars (\$1,000.00) plus **one hundred dollars (\$100.00)** respectively.

Respondent also agreed that it will henceforth establish a schedule for testing prior to activating wireless enhanced 911 service in relation to a cell tower testing and provide written notification to the Commission prior to any cell tower testing.

The Complainant and Respondent jointly requested that the Commission enter an order in this docket dismissing Respondent and releasing Respondent from any further proceedings in relation to Application No. 911-029.03.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Stipulation in Application No. 911-029.03 is approved.

IT IS FURTHER ORDERED the Complaint in Application No. 911-029.03 is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director